TRANSCRIPT OF MEETING O? STATE LANDS COMMISSION LOS ANGELES, CALIFORNIA May 24, 1962 5 6 共安安长 7 PARTICIPANTS: 8 9 THE COMMISSION: 10 Hon. Glenn M. Anderson, Lieutenant Governor, Chairman 11 Hon. Alan Cranston, Controller 12 Hon. Hale Champion, Director of Finance 13 14 Mr. F. J. Hortig, Executive Officer 15 Mr. Alan Sieroty, Administrative Assistant to Lieutenant Governor 16 17 18 OFFICE OF THE ATTORNEY GENERAL: 19 Mr. Jay L. Shavelson, Deputy Attorney General 20 21 22 23 24 25 26

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Commission will come to order. The secretary will make note that all members are present.

The first item is confirmation of minutes of the meeting of February 27.

MR. CRANSTON: Move approval.

MR. CHAMPION: Second.

GOV. ANDERSON: Carried unanimously. Item 2 -Permits, easements, and rights-of-way to be granted to public
and other agencies at no fee, pursuant to statute. Considera
tion is the public benefit.

The first applicant is Huntington Harbour Corporation -- Amendment to P.R.C. 2878.9, permit to temporarily drain navigable channels in Sunset Bay, Crange County.

Applicant 2, Las Gallinas Valley Sanitary District Permit to dredge channel in San Pablo Bay, Marin County;
49-year life-of-structure permit for maintenance and use of channel thus created; applicant (c), Leon Mason -- Permit for dredging 12,000 cubic yards material from 3.45 acres tide and submerged lands in Bodega Bay, Sonoma County, in area granted to County of Sonoma in 1959; applicant (d), Lt. Col. Tom E. Nowell -- permit to dredge approximately 6,500 cubic yards material from tide and submerged lands, Richardson Bay, Marin County, in area granted to County of Marin, to provide public access to tidelands and along privately owned uplands; applicant (e), Ray Shaw -- Permit to dredge approximately

19,882 cubic yards material from 15.2 acres tide and submerged lands, Bodega Bay, Sonoma County, in area granted to County of Sonoma in 1959; applicant (f), State of California, Department of Fish and Game - 49-year permit for public fishing access, to include a boat-launching ramp, in 0.212 acre submerged lands Sacramento River, Solano County.

That's all under Classification 2 - - one more, I guess: Applicant (g), State of California, Department of Fish and Game -- 49-year permit for public fishing access, to include a float and boat-launching ramp, on 0.13 acre submerged lands of Hudeman Slough, Sonoma County.

MR. HORTIG: Mr. Chairman, it should be reported that, in addition to the affirmative approval as required from other governmental agencies in connection with these matters, no objections have been received either.

MR. CHAMPION: May I just ask, Mr. Chairman - - Frank, these two marina developments in Bodega Bay are not related or involved in any way in the three-way controversy developing up there?

MR. HORTIG: This is a controversy primarily for placement of a road, Mr. Champion. These developments are at the northerly end of the bay; the road project that has developed some objection is on the westerly portion of the bay. A portion of the road would go by these marinas, but these projects are not part of the objection that has been voiced.

MR. CRANSTON: Moved.

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MR. CHAMPION: Second.

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GOV. ANDERSON: Carried manimously. Item 3 --Permits, easements, leases, and rights-of-way issued pursuant to statutes and established rental policies of the Commission: Applicant (a) Hidden Splendor Mining Company -- 2-year prospecting permit, 618 acres vecent State school land, San Benito County, for all minerals other than oil and gas, at standard royalty rates; applicant (b), Beloil Corporation, Ltd. --Assignment of interest under Oil and Gas Lease P.R.C. 920.1 Huntington Beach Oil Field, Orange County, to Humble Oil and Refining Company; applicant (c), George E. Hurd and Fred Muller -- Assignment of Lease P.R.C. 542.1, 0.29 acre submerged land of Napa River, Napa County, to Jess Doud; applicant (d), George W. Ladd -- 10-year renewal of Lease P.R.C. 324.1, tide and submerged land of Buckley Cove, San Joaquin County, annual rental \$361.26; applicant (e), Pacific Gas and Electric Company -- 49-year right-of-way easement, for construction and maintenance of underwater gas line across .073 acre tide and submerged land, Sacramento Elver at Walnut Grove, Sacramento County, total gental \$779.10; applicant (f), Standard Oil Company of California, Western Operations, Inc. -- Inclusion of Marin County offshore area in Geophysical Exploration Permit F.R.C. 2873.1. issued pursuant to Commission authorization of 3/29/62, at which time telegram opposing the application was on file from Board of Supervisors of Marin County; protest withdrawn.

applicant (g) to Tidewater Oil Company -- Permit (to geophysical exploration operations from May 26, 1962 through July 25, 1962 on tide and submerged lands in portions of Markemento River, Sulsun Bay (including Honker and Grizzly Bays).

Montezuma Slough, Montezuma Creek, New York Glough, and Sulsun Slough; Contra Costa, Sacramento, and Solano countion.

Applicant (h) is United States of America -- Loace for period July 1, 1962 through June 30, 1963, 40 acres school lands,

Riverside County, for use as instrument landing field by Federal Aviation Agency, total rental \$100.

MR. CHAMPION: Move approval.

MR. CRANSTON: Second.

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GOV. ANDERSON: Moved and seconded, carried unanimously. Item Classification Number 4 -- City of Long Beach approvals required pursuant to Chapter 29, 1956, First Extraordinary Session: Project (a) Town Lot -- increase in cost of property purchase, Area 7; estimated subproject expenditure from May 24, 1962 to termination of \$1,000 with \$630 (63%) estimated as subsidence costs. Project (b) General subsidence maintenance -- estimated subproject expenditures from July 1, 1962 to June 30, 1963 of \$130,000 with 100% estimated as subsidence costs.

MR. HORTIG: Mr. Chairman, as to item (b) just read, this represents the annual application by the City of Long Beach for approval on an annual basks of a fund to cover subsidence maintenance phases that are not included within

specific projects otherwise approved by the State Lands Commission. However, here again the amounts to be allowed and approved by the Commission are determined by final engineering review and audit review after the work is actually completed, to determine that it qualifies as a subsidence expense as auti-orized under Chapter 29 of the Statutes of 1956.

MR. CHAMPION: Move approval.

MR. CRANSTON: Second.

GOV. ANDERSON: Moved and seconded, carried unanimously. Item Classification Number 5 -- Land Items; sales,
selections, et cetera. All land sale items here presented
have been reviewed by all State agencies having a land acquisttion program and, unless otherwise indicated, no interest has
been reported by those agencies in any of the lands proposed
for sale.

Classification (a) -- Sales of vacant State school land: First applicant United States Plywood Corporation; appraised value \$10,423.84 and that's the bid; (b) -- Selection and sale of vacant Federal lands: Applicant (1) J. K. Brown -- appraised value \$456, and that's the bid; applicant (2) is J. R. Brown -- appraised value is \$1,312.50, and that's the bid. (c) is the selection of vacant Federal land on behalf of the State; applicants do not desire to proceed with acquisition of the lands. In this case it is 120 acres of land in San Bernardine County pursuant to application of Helaine L. and Gustave J. Miltz.

MR. CRANSTON: Move approval.

MR. CHAMPION: Second.

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GOV. ANDERSON: Moved and seconded, carried unantmously. Item Classification Number 6 -- Authorization for
Executive Officer to review San Francisco Bay area military
grant problems with the appropriate Federal agencies to permit
establishment of adequate title records. Would you like to
explain that, Mr. Hortig?

MR. HORTIG: Mr. Chairman, this subject came to the attention of the staff and is being brought to the attention of the Commission because of developments particularly in the San Francisco Bay area with respect to reorganization of certain military installations, on the majority of which to various extents the Federal Government has been heretofore granted jurisdiction out to 300 yards beyond the low water mark adjacent to military installations around San Francisco Bay -- this by statutes of 1897. A tabulation of these installations appears on page 29, and over and above the area authorized by the 1897 grant there is a considerable disparity in some instances between that figure and the acreage actually being occupied by the United States: not that the right of the United States is being contested with respect to such occupanty, but it appears there should be a clear record and specific authorization for such utilization in order that the Lands Conmission records may reflect all occupancy of tide and submerged lands under its jurisdiction.

A particular point in connection with this is the abandonment of the Benicia Arsenal, which by statute ended in a retrocession or return by the United States of that area to the State of California. It was found that the General Service Administration was contemplating a program to sell this land belonging to the State into private ownership under the theory that it still belonged to the United States.

With that as an example, and the disparity with respect to acreages with respect to military installation occupancy in San Francisco Bay; and in connection with questions raised by you at the last meeting, Governor, with respect to any study or coordinated planning of utilization of land in San Francisco Bay, this matter of Federal occupancy of lands in San Francisco Bay must be clarified if there is to be a coherent and complete program for the San Francisco Bay area. It is, therefore, recommended that the Executive Officer be authorized to review the San Francisco Bay area military grant problems with the appropriate Federal agencies to permit establishment of adequate title records as to the affected areas.

MR. HORTIG: To make a study and report to the Commission, and determine whether there are any further authorizations or agreements that should come between the Lands Commission and the various Federal agencies in order to

clarify and establish a correct title record for these

make a review?

occupancies in San Francisco Bay.

MR. CHAMPION: It ought to put the Federal agencies on notice, too.

GOV. ANDERSON: Prior to your review, is there any simple explanation as to why, for example, some of these have increased to more than the initial grant? I am looking at the first one -- Mare Island, where they were granted 1125 acres and are using 2100.

MR. HORTIG: The Mare Island shipyard in World War I and World War II expanded its operations, and a simple way to acquire more land in which to operate was to fill in some of the adjoining tide and submerged lands and proceed to occupy and utilize it. It comes closer to home in the area occupied by the U.S. Naval shipyards in Long Beach, which comprise a much greater area than the City of Long Beach had condemned in 1952. These conditions just grow, and sooner or later the title record has to be clarified.

MR. SHAVELSON: Excuse me, Frank. One other thing that appears from the Mare Island situation is the possible difference of opinion as to the position of the low water mark. In other words, the Federal Government would own 300 yards beyond the low water mark and there has been some accretion; and the California rule in respect to that is different than that of any other state, and it is possible a difference might develop between the State and the United States with regard to that.

GOV. ANDERSON: That would be the boundary, but if they were given 1125 acres it would move to wherever that went. MR. SHAVELSON: If their boundary line is 300 yards from the low water mark, as the low water mark moved waterward

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if that was by natural influences then their title would like+ wise move waterward; but if it moved by artificial influences then it would be our position that their title does not move waterward with the apparent line being at low tide. I just want to point that out.

GOV, ANDERSON: If they are on their own fill, the chances are they are operating on maybe a thousand acres of land that belongs to the State -- could be?

MR. SHAVELSON: That is our position, yes.

GOV. ANDERSON: This is, then, what you are going to survey and report back?

MR. HORTIG: It should be studied and reported on, to clarify the record.

MR. CHAMPION: I move approval.

MR. CRANSTON: Second.

GOV. ANDERSON: Moved and seconded. Carried unanimously.

Classification Number 7 -- Authorization to the Executive Officer to enter into compensatory royalty agreement with R. E. Rapp and Edward T. Perry for State's interest in area located in Solano County known as Grizzly Island Waterfowl Management Area, standard royalty rates.

Would you like to comment on that?

MR. HORTIG: Yes, Mr. Chairman. The area involved on Grizzly Island was acquired for the State Department of Fish and Game for the project known as Grizzly Island Water-fowl Management Area. In the acquisition only a partial mineral interest was acquired by the State. The balance of the mineral interest remained with the private owner from whom the lands were acquired, as well as the right of access for the development of any oil and gas.

The successor in interest to the private owner's mineral interest now proposes the development of his mineral interest, which is the majority interest in the area; and the only way that the State can be compensated for its share of the mineral interest is to enter into a compensatory royalty agreement, as here recommended, under which the State will receive a royalty for its share of the gas produced -- if any is produced in fact.

MR. CHAMPION: Move approval.

MR. CRANSTON: Second.

mously. Classification Number 8 -- Authorization for Executive Officer to approve and have recorded Sheet 1 of 1 of map entitled "Boundary of State Submerged lands, Vicinity of Martinez, Contra Costa County, California," dated March 1960; and to execute agreement with the upland owner, Tidewater Oil Company, fixing the common boundary between certain State

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Submerged lands and private lands along Carquinez Strait, Martinez, Contra Costa County.

MR. HORTIG: Mr. Chairman, if the Commissioners will refer to the map preceding page 39 of your agenda, you will recognize the identical map that you had before you at the last meeting of the Commission, where there is an area designated "Shell Oil Company" in the central part of the map. The boundary between the State lands and Shell Oll Company lands in the central part of the map was authorized to be fixed and approved by the Commission at the last meeting, at which time I gave notice that the parcel to the east, or to the right (your right), the parcel of Tidewater Oil Company, would be similarly presented for consideration at this meeting. The heavy black line represents the best location today. possible at this time of the low water mark boundary of sales made by the State of California prior to 1900; and for record title purposes, again should be approved and adopted as between the State of California and the Tidewater Dil Company as the dividing line between the respective ownerships.

MR. CRANSTON: I move approval.

MR. CHAMPION: Second.

mously. Classification Number 9 -- Authorization for Executive Officer to execute service agreement with City of Oakland, Alameda County, providing for surveying services pursuant to Chapter 931/61, at Commission's actual costs not to exceed \$1.000.

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MR. CRANSTON: I move.

MR. CHAMPION: Second.

GOV. ANDERSON: Moved and seconded, carried unani-

Classification Number 10 -- Proposed Oil and Gas Lease, Santa Barbara County, Parcel 9. Mr. Hortig?

MR. HORTIG: Mr. Chairman, the Commission has currently under lease offer two parcels to the west of the parcel being considered here today. The area designated as Parcel 9, and as shown on the map following page 40 of your agenda, represents the next parcel to the east in the continuing sequence of lease offers that the Commission has authorized heretofore in western Santa Barbara County.

Bids are to be received on the area designated as Parcel 7 on June 7th, and subsequently on Parcel 8. The reconnendation today is for authorization to publish a notice of intention to receive bids on the cross-hatched area shown as Parcel 9.

MR. CRANSTON: I move approval.

MR. CHAMPION: Second.

GOV. ANDERSON: Moved and seconded, carried unant-mously.

Classification 11 -- Confirmation of transactions consummated by the Executive Officer pursuant to authority confirmed by the Commission at its meeting October 5, 1959.

MR. HORTIG: As the Commissioners can see from page

41 and 42, the actions previously undertaken were approval of a sublease, extension of a previously authorized geophysical permit and a geological exploration permit, and approval of assignment of a grazing lease.

MR. CHAMPION: Move approval.

MR. CRANSTON: Second.

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GOV. ANDERSON: Carried unanimously. Item 12 -Informative only, no Commission action required, report on
the status of major litigation.

MR. HORTIG: Mr. Chairman, if the Commissioners will refer to page 43 of the agenda -- item 2 referring to Case No. 683824, People vs. City of Long Beach, identified as the Alamitos Bay Quitclaim Litigation -- the report indicates final successful termination of this litigation. This is a deceptively brief resume of what actually happened in a very important case, a very difficult case, and one in which I would like to bring to the attention of the Commission the fact that over and above the usual excellent cooperation and activity by the Office of the Attorney General, of my own personal knowledge I know that extreme effort was expended in connection with this litigation personally by Assistant Attorney General Howard Goldin in bringing this case to a successful conclusion.

The result is that an area of tide and submerged lands at the easterly end of the Clty of Long Beach, in which the Clty of Long Beach contested the State's mineral title,

has been held by all the courts in California as being under the jurisdiction of the State Lands Commission for mineral development. The area is a portion of that considered for development in conjunction with granted tidelands by the City of Long Beach currently, and the distinction will be -- whenever the format for development of this particular parcel is decided that from the parcel now, rather than the State participating in 50% of the revenues provided in Chapter 29, 1956, 100% of the revenues from this parcel will accrue to the California State Treasury.

MR. CRANSTON: Good.

MR. CHAMPION: Very good.

GOV. ANDERSON: Any other comments on litigation?

MR. HORTIG: No. sir.

GOV. ANDERSON: Classification 13 is the establishment of a land management and sales program for all lands under the Commission's jurisdiction except those held in a sovereign capacity. Mr. Hortig?

MR. HORTIG: Mr. Chairman, summarizing the agenda item, on May 24, 1960 the State Lands Commission directed the staff to undertake a study for the purpose of inventorying, classifying, the unsold public lands previously granted to the State by Congress, and also suspending receipt of any further applications to purchase lands pending completion of this study and inventory and recommendation to the Commission of a basis for a future policy with respect to administration

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the study -- and I again call attention of the Commissioners to the fact that this stack of records on the table here represents one copy of the majority of the reports that have heretofore been furnished to you gentlemen in support of the recommendation which is here summarized -- and from this summary, it is recommended that the Commission consider establishment of a land management and sales program for all lands under the Commission's jurisdiction except those held in a sovereign capacity, being, of course, the tide and submerged lands -- which by statutory and constitutional reservations may not be sold; the program to be administered under the general principles and procedures as outlined for your consideration in items I through II of the attached agenda.

Again, in brief summary, the proposed program which is proposed for your consideration for adoption would result in the first establishment of a directed managerial program for State lands and under the controls and direction of the State Lands Commission. The land acquisition and public land disposition policies of both the Federal Government and most of the public land western states have not been particularly updated since their inception, depending upon the admission of the particular states to the Union. They were all, of course, at the time of initial adoption predicated on the fundamental premise that it was desirable and necessary to settle the

west; and I think it is clear that a fair amount of settlement of the west has accrued.

With respect to the unsold lands in the State of California, and as to the manner of development of these lands the program here outlined for a land management and sales program is recommended and directed to that end.

GOV. ANDERSON: What difference would this be from what we had before?

MR. HORTIG: First, the program for land administration would be under the direction of the Commission, in accordance with schedules established by the Commission, in distinction to the activities previously having been initiated only by private application to purchase. Second, .....

GOV. ANDERSON: Won't there be a certain amount of those?

MR. HORTIG: There will be.

GOV. ANDERSON: In other words, the private person will go out and find the property still and in a sense we will be following him?

MR. HORTIG: With respect to land sales; but the second phase of this program, and the essential one, is the proposal of an essential land management phase....

of trying to sell certain lands, trying to get income for certain lands through being held for public purposes. In other words, we establish -- propose the initiative.

MR. CRANSTON: It is analogous to the oil program. This report is so complicated that I think each of us would want to study it carefully. My impression is, from the little bit of time I have had to delve into it, the staff has done an excellent job. I would like to move that we have time to study it.

MR. CHAMPION: I'd like to make a further recommendation, if it is acceptable to the Commission. I have gone through this thing. It seems to me there is some policy contained, the framework of which I think is very good. The question is on some of the policies that are implied in terms of a sales program and a holding or management program, where the State actually is trying to make money out of the lands, and how far we are willing to go in that direction or how far we should go in that direction. There are a couple of other things — the two-year limitation on public use, and so on.

What I would like to suggest, if the other members of the Commission agree, is that we have an open workshop meeting on the subject, with any members of the staff and members of the public who would like to attend, so we get the thinking of the staff...

MR. CRANSTON: That would be excellent. I think the staff should also send copies of this to every group or individual they know of, particularly groups that may have interest, and would you please give us a copy of that list so we have it? Proceed with whatever you want to send out, but give us copies.

I think there ought to be a workshop. I, MR. CHAMPION: There has been some digesesion of 2 3 this with some other State agencies as it has gone on? MR. HORTIG: Yes. 4 MR. CHAMPION: Not with the final report, but with 5 some of the Resources people? 6 77 MR. HORTIG: Yes. MR. CRANSTON: When do you think we ought to have 8 that? 9 MR. CHAMPION: I have no idea. I think some time 10 11 after June 5th. MR. CRANSTON: Would it be possible to do that in 12 the afternoon of June 27th, which would precede our June 28th 13 meeting in Sacramento? 14 MR. CHAMPION: That would be fine. 15 GOV. ANDERSON: I don't know, but I will try. 18 MR. CRANSTON: Mould it be possible, Alan, to 17 check his calendar? 18 MR. SIEROTY: Not right now. 19 MR. CRANSTON: Well, let's tentatively schedule it 20 the afternoon of June 27th. 21 MR. SIEROTY: Would that give you enough time? 22 FR. CRANSTON: We wouldn't necessarily act on it the 23 next day, but it would give us an opportunity to get views. 24 I don't think we would act on it the next day. Is that 25 mobilen adopted? 26

GOV. ANDERSON: The motion is to ..... 2 MR. GRANSTON: Take it under complderation and have 3 a workshop public type meeting on June 27th at two o'clock in 4. Sacramento. 5 MR. CHAMPION: That's seconded. GOV. ANDERSON: Moved and seconded, carried unani-7 mously. 8 MR. CRANSTON: With that schedule, I'd like to ask 9 that we have the meeting at nine instead of ten on June 25th. 10 GOV. ANDERSON: Any objection? II MR. CHAMPION: No objection. 12 GOV. ANDERSON: Is that the last order of business, then, before we adjourn? Confirmation of time and place and 13 date of the next Commission meeting > Thursday, June 28th, 14 15 at nine a.m. instead of ten a.m., in Sacramento. Carried unanimously. This meeting is adjourned. 16 17 ADJOURNED 10:45 A.M. 18 \*\*\*\*\* 19 20 21 22 23 24 25 28

1	CERTLFICATE OF REPORTER
2	
3	I, LOUISE H. LITLICO, reporter for the Office of
4	Administrative Procedure, hereby certify that the foregoing
5	
6	nineteen pages contain a full true and correct transcript of
7	the shorthand notes taken by me in the meeting of the STATE
8	LANDS COMMISSION at Los Angeles, California, on May 24, 1962.
9	Dated: Sacramento, California, May 28, 1962.
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